

**EIGHTY-FOURTH GENERAL ASSEMBLY  
2012 REGULAR SESSION  
DAILY  
SENATE CLIP SHEET**

MARCH 7, 2012

**SENATE FILE 2274**

**S-5045**

- 1 Amend Senate File 2274 as follows:
- 2 1. Page 4, line 21, after <solar> by inserting
- 3 <thermal>

**By** PAM JOCHUM

**S-5045** FILED MARCH 6, 2012

**SENATE FILE 2277**

**S-5047**

- 1 Amend Senate File 2277 as follows:
- 2 1. Page 1, line 19, after <include> by inserting
- 3 <hallucinogenic substances or>

**By** JEFF DANIELSON

**S-5047** FILED MARCH 6, 2012  
ADOPTED

**SENATE FILE 2293**

**S-5048**

- 1 Amend Senate File 2293 as follows:
- 2 1. Page 15, after line 12 by inserting:
- 3 <Sec. \_\_\_\_\_. Section 514E.7, subsection 5, paragraph
- 4 d, Code 2011, is amended by striking the paragraph.>
- 5 2. By renumbering as necessary.

**By** MATT MCCOY

**S-5048** FILED MARCH 6, 2012

SENATE FILE 2301

S-5046

1 Amend Senate File 2301 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 162.2, Code 2011, is amended by  
5 adding the following new subsections:

6 NEW SUBSECTION. 12A. "Dispositional expenses" means  
7 the same as defined in section 717B.1.

8 NEW SUBSECTION. 16A. "Local authority" means the  
9 same as defined in section 717B.1.

10 Sec. 2. Section 162.2C, Code 2011, is amended by  
11 adding the following new subsections:

12 NEW SUBSECTION. 2A. The fiscal year of the fund  
13 begins July 1 and ends June 30. Fiscal quarters of the  
14 fund begin July 1, October 1, January 1, and April 1.

15 NEW SUBSECTION. 2B. The fund shall include two  
16 accounts, a general account and a dispositional  
17 account.

18 a. Except as provided in paragraph "b", the general  
19 account is composed of all moneys deposited in the fund  
20 as provided in subsection 2. The department shall  
21 utilize moneys in the general account to provide for  
22 the administration and enforcement of this chapter.

23 b. The dispositional account is composed of all  
24 fees collected pursuant to section 162.2B, until the  
25 department determines that the account has achieved  
26 a threshold of at least two hundred fifty thousand  
27 dollars. At the end of each fiscal quarter the  
28 department shall determine the balance of unencumbered  
29 and unobligated moneys in the account, and may transfer  
30 any moneys in the account exceeding the threshold to  
31 the general account. The department shall return  
32 any unexpended and unobligated moneys expended from  
33 the dispositional account back to that account, or  
34 the general account if the dispositional account's  
35 threshold is achieved.

36 Sec. 3. NEW SECTION. 162.2D Payment of  
37 dispositional expenses incurred by local authorities.

38 1. The department shall utilize the moneys  
39 deposited into the dispositional account of the  
40 commercial establishment fund created in section 162.2C  
41 to pay eligible claims submitted to the department by  
42 local authorities for dispositional expenses incurred  
43 by the local authority, including by providing for the  
44 maintenance of a vertebrate animal subject to a court  
45 hearing pursuant to section 717B.4 or rescued pursuant  
46 to section 717B.5.

47 2. The department shall pay an eligible claim  
48 according to procedures adopted by departmental  
49 rule. In order for a claim to be eligible, all of the  
50 following must apply:

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1 a. At the time of the hearing for the disposition  
2 of the vertebrate animal or the rescue of the  
3 vertebrate animal, the vertebrate animal must have been  
4 possessed or controlled by a commercial establishment  
5 that possessed or controlled more than twenty  
6 vertebrate animals at any one time during the prior  
7 twelve months.

8 b. The commercial establishment must be required to  
9 operate pursuant to an authorization issued or renewed  
10 pursuant to section 162.2A, regardless of whether the  
11 commercial establishment is actually issued or renewed  
12 such authorization.

13 c. The dispositional expenses must be actually  
14 and reasonably incurred by the local authority,  
15 including by an animal care provider providing for the  
16 maintenance of the vertebrate animal under contract  
17 with the local authority.

18 d. The local authority must submit the claim to the  
19 department according to procedures established by rules  
20 adopted by the department. A claim is not eligible  
21 if submitted twelve months or more after the local  
22 authority has incurred its final dispositional expense.

23 3. A claim is eligible for payment even if any of  
24 the following applies:

25 a. The responsible party has posted a bond or  
26 other security with the local authority as provided in  
27 section 717B.4.

28 b. The local authority may receive a future payment  
29 for the dispositional expense from a responsible party  
30 as provided in section 717B.4.

31 4. Upon a determination that the claim is eligible,  
32 the department shall provide for payment to the local  
33 authority of one hundred percent of the claimed amount.  
34 If there are insufficient moneys in the dispositional  
35 account to make full payment of all eligible claims,  
36 the department shall prorate the payment amounts and  
37 defer the remaining payment until the dispositional  
38 account again contains sufficient moneys.

39 5. A local authority shall repay the department  
40 for the claim amount from any moneys received by  
41 the local authority from a responsible party for  
42 dispositional expenses pursuant to section 717B.4. The  
43 department shall deposit the moneys in the commercial  
44 establishment fund as provided in section 162.2C.

45 Sec. 4. Section 717B.1, Code 2011, is amended by  
46 adding the following new subsection:

47 NEW SUBSECTION. 3A. "Department" means the  
48 department of agriculture and land stewardship.

49 Sec. 5. NEW SECTION. 717B.5A Dispositional  
50 expenses – commercial establishment fund.

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1 A local authority may submit a claim to the  
2 department to pay for dispositional expenses incurred  
3 by the local authority if the local authority complies  
4 with the requirements provided in section 162.2D.>

5 2. Title page, by striking lines 1 through 4 and  
6 inserting <An Act providing for the payment of expenses  
7 incurred by a local authority when providing for  
8 rescue, maintenance, or disposition of certain animals  
9 in commercial establishments.>

**By** MATT McCOY

**S-5046** FILED MARCH 6, 2012

**SENATE FILE 2308**

**S-5043**

1 Amend Senate File 2308 as follows:

2 1. Page 17, line 27, after <subsection 5> by  
3 inserting <, or services related to accelerating the  
4 generation and development of innovative ideas and  
5 businesses pursuant to section 15.411, subsection 6>

6 2. Page 21, before line 34 by inserting:

7 <6. a. The authority shall establish and  
8 administer a program to accelerate the generation and  
9 development of innovative ideas and businesses. The  
10 program shall include assistance for the expansion  
11 of the proof of commercial relevance concept, the  
12 expansion of investment in applied research, and  
13 support for a manufacturing extension partnership  
14 program.

15 b. The authority may contract with outside service  
16 providers for assistance with the program described  
17 in this subsection or may delegate the functions to  
18 be performed under this subsection to the corporation  
19 pursuant to section 15.106B.>

20 3. Page 21, line 34, by striking <6> and inserting  
21 7>

22 4. Page 22, before line 32 by inserting:

23 <d. For establishing and administering the programs  
24 described in section 15.411.>

25 5. By renumbering as necessary.

**By** WILLIAM DOTZLER

**S-5043** FILED MARCH 6, 2012

ADOPTED

SENATE FILE 2314

S-5044

1 Amend Senate File 2314 as follows:

2 1. Page 1, by striking lines 1 and 2.

3 2. By striking page 6, line 11, through page 7,  
4 line 28.

5 3. Title page, lines 4 and 5, by striking <fund,  
6 and providing for properly related matters.> and  
7 inserting <fund.>

8 4. By renumbering as necessary.

**By** ROBERT E. DVORSKY

S-5044 FILED MARCH 6, 2012

ADOPTED

# Fiscal Note

*Fiscal Services Division*



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**SF 2295** – Child Sex Abuse, Statutes of Limitation (LSB 5473SV)

Analyst: Beth Lenstra (Phone: 515-281-6301) ([beth.lenstra@legis.state.ia.us](mailto:beth.lenstra@legis.state.ia.us))

Fiscal Note Version – New (CORRECTED)

Requested by Senator Gene Fraise

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## **Description**

**Senate File 2295** extends the statute of limitations for sexual abuse in the first, second, or third degree against minors. The Bill also extends the time for filing a civil action against an alleged sex offender.

## **Background**

### **Correctional and Fiscal Information**

1. Current law provides for a graduated system of penalties for sexual abuse in the first, second, or third degree, including a Class “A,” “B,” or “C” felony. Offenders charged under these statutes may plead to a lesser offense and be convicted of a Class “D” felony or aggravated misdemeanor.
2. Offenders convicted of a Class “A” felony are sentenced to life in prison without parole. Offenders convicted of a Class “B” sex offense are subject to serving at least 70.0% of their sentence in prison.
3. Sex offenders supervised by Community-Based Corrections may be required to wear an electronic monitoring device. Sex offenders are subject to requirements of the Sex Offender Registry administered by the Department of Public Safety for at least 10 years.
4. According to the Iowa Corrections Offender Network (ICON), for the four-year period FY 2008 through FY 2011, there were 19 offenders convicted of one or more sex offenses where offenses occurred over 11 years before the sentencing date. Convictions for these 19 offenders ranged from one serious misdemeanor to five Class “B” felonies.
5. The marginal cost per day for prison is \$15.59. The average cost per day for intensive supervision is \$7.78 and \$3.49 for probation or parole supervision. The average length of stay on intensive supervision for sex offenders is 460 days. The cost per day for Global Positioning System electronic monitoring bracelet is \$5.50. The average length of stay for sex offenders on electronic monitoring is 352 days.
6. According to the Justice Data Warehouse, the State Public Defender’s Office, and the Judicial Branch, the following are estimates for sentencing, length of stay, indigent cost and case cost for those convicted of Class A, B, C, D, or aggravated misdemeanors for crimes against persons or sex offenses convictions:

Type of Felon	Percent Sentenced to Prison	Avg Length of Stay in Prison	Percent Sentenced to Probation	Avg Length of Stay on Probation	Avg Length of Stay on Parole	Special Sentence of Supervision	Cost of Indigent Defense	Avg cost per case for Judicial Branch
Class "B"	100.0%	17.5 years	0.0%	0.0%	48.8 months	Yes - Lifetime after discharge of sentence	\$3,600	\$4,600
Class "C"	61.1% (1)	64.0 months	36.7%	33.8 months	24.6 months	Yes - Lifetime after discharge of sentence	\$1,800	\$2,500
Class "D"	47.8%	36.8 months	52.2%	30.8 months	13.7 months	Yes - 10 Years after parole/probation	\$1,200	\$2,500
Aggravated Misdemeanor	31.4 (2)%	13.5 months	58.6%	18.1 months	5.3 months	Yes - 10 Years after parole/probation	\$1,200	\$1,000
(1) Another 2.2% are sentenced to county jail, a fine, community service or some combination thereof.								
(2) 16.4% are incarcerated in jail with an average length of stay of 54 days.								

### Minority Data Information

Of the sex offenders sentenced 10 years after the offense date, 70.0% were white and 30.0% were White – Hispanic.

### Assumptions

#### Correctional and Fiscal Information

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice policies and practices will not change over the projection period.
3. The law will become effective July 1, 2012. A lag effect of six months is assumed from the effective date to the date of first entry of affected offenders into the correctional system.
4. All offenders will be placed on intensive supervision and electronic monitoring when they first enter probation or parole supervision.
5. Half of the offenders will be indigent. All trials will be by jury.
6. There will be an increase in county jail sentences for misdemeanor convictions. Marginal costs for county jails cannot be determined due to a lack of data. For the purpose of this analysis, the marginal cost for county jails is \$15.00 per day.
7. Any correctional or fiscal impact of the Sex Offender Registry is expected to be minimal under this Bill.
8. There may be a fiscal impact on the court system for additional civil actions brought under the provisions of this Bill. That impact is expected to be minimal.

## Minority Data Information

1. The impact on minorities will remain consistent with the four-year study period.
2. Approximately 14.0% of Iowa's population has at least one disability. The number of disabled offenders convicted under this Bill may be 14.0%.

## Summary of Impacts

### Correctional Impact

There will be an estimated five offenders annually convicted under this Bill. These will be new offenders in the criminal justice system. On an annual basis, these offenders will be sentenced as follows: one Class B and one Class C felon to State prison, and three to probation supervision (one each of a Class C felon, Class D felon, and aggravated misdemeanor).

There will be one offender sentenced to prison in FY 2013, and two annually thereafter. The prison population will increase by one offender in FY 2013, and by two annually thereafter. By 17 years after enactment, the prison population will increase by 22 offenders. The incremental increase in the prison population is due to the low number of admissions expected under the Bill, coupled with the long length of stay.

There will be two admissions to probation supervision in FY 2013, and three annually thereafter. The population will increase incrementally due to the low number of admissions coupled with the long length of stay under supervision.

One offender will be sentenced to a county jail in FY 2013. There will be one offender each succeeding year. The average length of stay is 54 days so the county jail populations are not expected to significantly increase.

### Minority Impact

Approximately 30.0% (1 offender) convicted under this Bill may be White – Hispanic.

### Fiscal Impact

The fiscal impact is estimated to be an increased cost to the State General Fund of \$22,600 in FY 2013 and \$62,700 in FY 2014. The table below shows the impact by areas within the State criminal justice system. Costs will continue to increase in future fiscal years because the length of stay in the system exceeds one year.

**State General Fund Impact**

	FY 2013	FY 2014
Court System	\$9,600	\$13,100
Indigent Defense	5,400	6,600
Prison	2,800	22,800
CBC	4,800	20,200
Total	<u>\$22,600</u>	<u>\$62,700</u>

The impact on county budgets for jail operations is expected to be minimal.

**Sources**

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Department of Corrections  
State Public Defender's Office  
Judicial Branch

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March 6, 2012

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Section 2.56, Code of Iowa](#). Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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**SF 2297** – Sexual Abuse, Fourth Degree (LSB 5826SV)

Analyst: Beth Lenstra (Phone: 515-281-6301) ([beth.lenstra@legis.state.ia.us](mailto:beth.lenstra@legis.state.ia.us))

Fiscal Note Version – New

Requested by Senator Gene Fraise

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### **Description**

**Senate File 2297** creates the criminal offense of sex abuse in the fourth degree, penalized as an aggravated misdemeanor. Sexual abuse in the fourth degree is defined as 19- or 20-year-old people that perform a sex act with another person who is 14 or 15 years old. The Bill also provides retroactive and applicability provisions regarding special sentences for certain sex offenders and requirements of the Sex Offender Registry.

### **Background**

#### **Correctional and Fiscal Information**

- Current law provides for a graduated system of penalties for sexual abuse in the first, second, or third degree, including a Class “A,” “B,” or “C” felony. Offenders convicted of a Class “A” felony are sentenced to life in prison without parole. Offenders convicted of a Class “B” sex offense are subject to serving at least 70.0% (17.5 years) of the sentence in prison.
- Sex offenders convicted of a Class “C” felony or greater are subject to a special sentence of lifetime supervision once their original sentence is discharged. They are also subject to the requirements of the Sex Offender Registry as long as they remain on the special sentence. Offenders serving a special sentence are under the supervision of Community-Based Corrections (CBC) supervision as if they were on parole. The Sex Offender Registry is administered by the Department of Public Safety (DPS).
- Certain offenders currently convicted of sexual abuse in the third degree would be sentenced to sexual abuse in the fourth degree under the Bill. They would be convicted of an aggravated misdemeanor (2-year sentence) rather than a Class “C” felony (10-year sentence). Offenders convicted of sexual abuse in the fourth degree would not be subject to a special sentence, nor would their information be publicly displayed on the Sex Offender Registry. However, they would remain on the Sex Offender registry for 10 years.
- According to the Justice Data Warehouse, Iowa averages approximately 35 prison admissions per year for sexual abuse in the third degree. Fifteen of the 94 prison admissions (16.0%) over the last three years meet the definition in the Bill of being age 20 or less and the victim was 14 or 15 years old.
- According to the Justice Data Warehouse, the State Public Defender’s Office, and the Judicial Branch, the following are estimates for sentencing, length of stay, indigent cost and case cost for those convicted of Class A, B, C, D, or aggravated misdemeanors for crimes against persons or sex offenses convictions:

Type of Felon	Percent Sentenced to Prison	Avg Length of Stay in Prison	Percent Sentenced to Probation	Avg Length of Stay on Probation	Avg Length of Stay on Parole	Special Sentence of Supervision	Cost of Indigent Defense	Avg cost per case for Judicial Branch
Class "C"	61.1% (1)	64.0 months	36.7%	33.8 months	24.6 months	Yes - Lifetime after discharge of sentence	\$1,800	\$417
Aggravated Misdemeanor	31.4 (2)%	13.5 months	58.6%	18.1 months	5.3 months	Yes - 10 Years after parole/probation	\$1,200	\$205

(1) Another 2.2% are sentenced to county jail, a fine, community service or some combination thereof.

- Sex offenders supervised by CBC are generally first placed on intensive supervision and may be required to wear an electronic monitoring device. The average cost per day for intensive supervision and electronic monitoring is:

Offender Type	Avg Length of Stay Intensive Superv	Intensive Superv Cost/Day	Elec Monitoring Bracelet Cost/Day	Avg Length of Stay on Elec. Monitoring	Prison Marginal Cost/Day
Sex Offenders	460 day	\$7.78/parole or \$3.49 probation	\$5.50/day	352 days	\$15.59

- [Senate File 2297](#) requires the Department of Corrections (DOC) and the DPS to review offenders currently on correctional supervision solely for sexual abuse in the third degree where the offender was 19 or 20 years old and the victim was 14 or 15 years old. The DOC is required to notify the Board of Parole that those offenders are not subject to a special sentence.
- The Bill requires the DPS to remove relevant information from the Sex Offender Registry Internet site for offenders identified as no longer being subject to the special sentence. There are currently no more than 164 offenders on the Sex Offender Registry who may fall under the provisions of this Bill.
- The Department of Human Rights, Criminal and Juvenile Justice Planning Division, released its [FY 2011 – FY 2021 Prison Population Forecast](#) in November 2011. According to that report, Iowa's prison population is forecasted to reach 11,330 offenders by June 30, 2021. That is an increase of 2,395 offenders (26.8%) compared to June 30, 2011.

### Minority Data Information

The majority (80.08%) of convicted sex offenders are white.

### Assumptions

#### Correctional and Fiscal Information

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, and other criminal justice policies and practices will not change over the projection period.

- All offenders will be placed on intensive supervision and electronic monitoring when they first enter probation or parole supervision. Their supervision level will be reduced if they are successful on intensive supervision.
- Half of the offenders will be indigent. All offenders will receive bench trials.
- There will be an increase in county jail sentences for misdemeanor convictions.
- Any correctional or fiscal impact for violations of the Sex Offender Registry is expected to be minimal under this Bill.
- The fiscal impact on the DOC and the DPS is expected to be minimal for implementing the retroactive sections of this Bill.
- This analysis includes the retroactive and future impacts of this Bill.

### **Minority Data Information**

- The impact on minorities will remain consistent with current data.
- Approximately 14.0% of Iowa's population has at least one disability. The number of disabled offenders impacted by this Bill may be 14.0%.

### **Summary of Impacts**

#### **Correctional Impact**

There will be an estimated eight offenders convicted annually under this Bill. These offenders are convicted of a Class "C" felony under current law and sentenced as follows: three to prison and five to probation. One of the five sentenced to probation will be sentenced to a CBC residential facility as well. As aggravated misdemeanants, three will be sentenced to prison, and five to probation. Of the five sentenced to probation, one will be sentenced to a CBC residential facility, and one will be sentenced to a county jail. The offenders convicted under this Bill will remain under correctional supervision for a shorter length of stay than current law. The table below shows the impact on the correctional system by prison and CBC supervision, including the retroactive impact.

#### **Correctional Impact**

	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Prison Population	0	-7	-20	-31	-42
CBC Population	0	3	11	19	27
Net Impact	0	-4	-9	-12	-15

The projected reduction in the correctional population under this Bill is not significant, given the forecasted increase of 26.8% by FY 2021.

#### **Minority Impact**

The minority impact is not expected to be significant because most of the offenders are white.

## Fiscal Impact

The fiscal impact is minimal as shown in the table below.

### State General Fund Impact

	FY 2013	FY 2014
	FY 2013	FY 2014
Court System	\$ -900	\$ -1,700
Indigent Defense	-1,200	-2,400
Prison	0	-40,000
CBC	0	6,100
Total	<u>\$ -2,100</u>	<u>\$ -38,000</u>

The impact on county budgets for jail operations is expected to be minimal.

## Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Department of Corrections  
Office of the State Public Defender  
Judicial Branch  
Department of Public Safety

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March 6, 2012

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to Iowa Code [Section 2.56](#). Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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